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DIGEST OF OTHER RECENT VIRGINIA DECISIONS.**Supreme Court of Appeals.**

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

ALLEN'S EX'X *v.* VIRGINIA TRUST CO. et al.

June 11, 1914.

[82 S. E. 104.]

1. Executors and Administrators (§ 495*)—Commissions—Personal Property Distributed in Kind.—Where an executrix received into her possession certain stocks and bonds which she distributed in kind to distributees, she was entitled to commissioners on the value thereof at 5 per cent.

[Ed. Note.—For other cases, see Executors and Administrators, Cent. Dig. §§ 2089-2106, 2108; Dec. Dig. § 495.* 5 Va.-W. Va. Enc. Dig. 661.]

2. Words and Phrases—“Margin.”—The word “margin” signifies money or other property deposited with a broker by his customer to secure the broker against loss by reason of fluctuations in the market price of the commodity purchased or sold.

[Ed. Note.—For other definitions, see Words and Phrases, vol. 5, pp. 4367, 4368. 6 Va.-W. Va. Enc. Dig. 686.]

3. Gaming (§ 49*)—Purchase of Stocks on Margins—Validity of Contract—Presumptions.—That corporate stocks were purchased by decedent on margin, in the absence of any showing that actual delivery was not intended at the maturity of the contract, did not render the same invalid as a gambling transaction; the presumption being in favor of the validity of the contract.

[Ed. Note.—For other cases, see Gaming, Cent. Dig. §§ 100-102; Dec. Dig. § 49.* 6 Va.-W. Va. Enc. Dig. 687.]

4. Executors and Administrators (§ 495*)—Commissions—Stocks Purchased on Margin.—Where a testator, at the time of his death, owned certain stocks in the possession of his brokers which they held on margin, and his executrix borrowed money, paid the balance of the debt, and distributed the stocks in kind among the distributees entitled thereto, she was entitled to commissions on the value of the stocks.

[Ed. Note.—For other cases, see Executors and Administrators, Cent. Dig. §§ 2089-2106, 2108; Dec. Dig. § 495.* 5 Va.-W. Va. Enc. Dig. 661.]

Appeal from Chancery Court of Richmond.

Suit by Otway S. Allen's executrix against the Virginia Trust

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

Company, as trustees, and others. From a decree denying the executrix contain commissions, she appeals. Reversed and remanded.

Wellford & Taylor, of Richmond, for appellant.

Daniel Grinnan and Christian, Gordon & Christian, all of Richmond, for appellees.

BOYD *v.* BOYD.

June 11, 1914.

[82 S. E. 110.]

1. Libel and Slander (§ 121*)—Insulting Words—Excessive Damages.—Where defendant, being sent for by his father to get some medicine, sent back word for him to make “that damned bitch that sits dressed up by him all the time go,” meaning plaintiff, defendant’s stepmother, and afterwards, in their presence, said he meant what he said, a verdict of \$3,000 is not so grossly excessive as to shock the moral sense or to indicate that the jury were actuated by prejudice, so as to authorize the court to set it aside on that ground, or to require plaintiff to take a less amount as a condition of not granting a new trial.

[Ed. Note.—For other cases, see Libel and Slander, Cent. Dig. §§ 353, 354; Dec. Dig. § 121.* 9 Va.-W. Va. Enc. Dig. 280.]

2. Libel and Slander (§ 101*)—Insulting Words—Presumption of Damages.—The law presumes damages resulting from the utterance of insulting words, made actionable by the statute, as it does where the words are actionable *per se*; so that, to recover, proof of actual or pecuniary loss is unnecessary.

[Ed. Note.—For other cases, see Libel and Slander, Cent. Dig. §§ 150, 273, 275-280; Dec. Dig. § 101.* 9 Va.-W. Va. Enc. Dig. 280.]

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep’r Indexes.

Error to Corporation Court of Lynchburg.

Action by Mrs. E. W. Boyd against Harry Boyd. There was a judgment for an amount which plaintiff was required to accept in lieu of the verdict, as a condition to denial of new trial, and plaintiff brings error. Reversed and rendered.

John L. Lee and Volney E. Howard, both of Lynchburg, for plaintiff in error.

Wilson & Manson, T. G. Hobbs, and *Harrison & Long*, all of Lynchburg, for defendant in error.

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep’r Indexes.